

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

SOUTHERN DIVISION

LOREN C. TWO BULLS,
a/k/a Loren C. Reyna,

Plaintiff,

vs.

BRIANA RIES, SENIOR CORRECTIONAL OFFICER FOR THE SOUTH DAKOTA STATE PENITENTIARY (JAMESON ANNEX), OFFICIAL AND INDIVIDUAL CAPACITIES; LIEUTENANT BECKER, COMMANDING OFFICER FOR THE SOUTH DAKOTA STATE PENITENTIARY (JAMESON ANNEX), OFFICIAL AND INDIVIDUAL CAPACITIES; BOB DOOLEY, CHIEF WARDEN AND DIRECTOR OF PRISON OPERATIONS FOR ALL OF SOUTH DAKOTA DEPARTMENT OF CORRECTIONS PRISONS AND FACILITIES, OFFICIAL AND INDIVIDUAL CAPACITIES; DENNY KAEMINGK, CABINET SECRETARY OF CORRECTIONS FOR SOUTH DAKOTA DEPARTMENT OF CORRECTIONS, OFFICIAL AND INDIVIDUAL CAPACITIES; DARIN YOUNG, WARDEN OF THE SOUTH DAKOTA STATE PENITENTIARY, OFFICIAL AND INDIVIDUAL CAPACITIES; SAMANTHA BADURE, UNIT MANAGER FOR SOUTH DAKOTA STATE PENITENTIARY, OFFICIAL AND INDIVIDUAL CAPACITIES; MARY BURGGRAAF, UNIT COORDINATOR FOR SOUTH DAKOTA STATE PENITENTIARY (JAMESON ANNEX), OFFICIAL AND INDIVIDUAL CAPACITIES; THERAPIST KASI, CORRECTIONAL MENTAL HEALTH

4:15-CV-04099-RAL

AMENDED ORDER

CARE STAFF MEMBER AND THERAPIST FOR SOUTH DAKOTA DEPARTMENT OF SOCIAL AND HUMAN SERVICES CORRECTIONAL MENTAL HEALTHCARE (JAMESON ANNEX), OFFICIAL AND INDIVIDUAL CAPACITIES; ROBERT FREDRICKSON, CORRECTIONAL MENTAL HEALTHCARE SUPERVISOR FOR SOUTH DAKOTA DEPARTMENT OF SOCIAL AND HUMAN SERVICES CORRECTIONAL MENTAL HEALTHCARE (JAMESON ANNEX), OFFICIAL AND INDIVIDUAL CAPACITIES; AND JENNIE ENGLUND, CORRECTIONAL MENTAL HEALTH CARE MANAGER FOR SOUTH DAKOTA DEPARTMENT OF SOCIAL AND HUMAN SERVICES CORRECTIONAL MENTAL HEALTHCARE (JAMESON ANNEX), OFFICIAL AND INDIVIDUAL CAPACITIES;

Defendants.

On August 31, 2015, Plaintiff Loren Two Bulls filed a Notice of Appeal and this Court on September 15, 2015, ordered that Plaintiff be allowed to proceed in forma pauperis with respect to his appeal. On September 17, 2015, the Eighth Circuit Court of Appeals remanded this case for calculation and collection of appellate filing fees pursuant to Henderson v. Norris, 129 F.3d 481 (8th Cir. 1997).

Pursuant to 28 U.S.C. § 1915 and Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997), plaintiff is notified that, if he decides to appeal the judgment of dismissal to the United States Court of Appeals for the Eighth Circuit:

- (a) The filing of a notice of appeal from that order by plaintiff, a prisoner, makes the prisoner liable for payment of the full \$505 appellate filing fees regardless of the outcome of the appeal.

- (b) By filing a notice of appeal, the prisoner consents to the deduction of the initial partial appellate filing fee and the remaining installments from the prisoner's prison account by prison officials.
- (c) Plaintiff, a prisoner, must submit to the Clerk of the District Court a certified copy of the prisoner's prison account for the last six months within 30 days.
- (d) Failure to file the prison account information will result in the assessment of an initial appellate partial fee of \$35.00 or such other amount that is reasonable, based on whatever information the court has about the prisoner's finances.

It is further

ORDERED that the institution having custody of the Plaintiff is hereby directed that wherever the amount in Plaintiff's trust account exceeds \$10.00, monthly payments that equal 20 percent of the funds credited the preceding month to the Plaintiff's trust account shall be forwarded to the U.S. District Court Clerk's Office pursuant to 28 U.S.C. § 1915(b)(2), until the \$505.00 appellate filing fee is paid in full.

DATED this 23rd day of November, 2015.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Roberto A. Lange", written over a horizontal line.

ROBERTO A. LANGE
UNITED STATES DISTRICT JUDGE